

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:04CV69-1-MU

TERRANCE L. JAMES,)
)
Plaintiff,)
)
v.)
)
RANDY WILLIAMS, et al.,)
)
Defendants.)
)

OR D E R

THIS MATTER comes before the Court upon Plaintiff's Motion to Re-Argue, filed June 2, 2005.

On April 22, 2004, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 . On May 24, 2005, this Court dismissed Plaintiff's Complaint because the record did not establish that he had fully exhausted his administrative remedies.

Plaintiff has now filed a Motion to Re-Argue asserting that he was not aware of the fact that he could have filed a grievance after he was transferred. In addition, Plaintiff asserts that the eleven days during which he could have refiled his grievance before he was transferred should not be held against him because he was "in turmoil." Finally, Plaintiff asserts that § 1983 contains no judicially imposed exhaustion requirement. Upon reviewing Plaintiff's motion and the record, the Court finds Plaintiff's arguments to be unavailing and insufficient to persuade this Court that its earlier Order was in error.

IT IS THEREFORE ORDERED THAT Plaintiff's Motion to Re-Argue is **DENIED**.

Signed: June 20, 2005



Graham C. Mullen
Chief United States District Judge

